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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,459	03/31/2004	Paul S. Randal	MSFT-2948/307244.01	8060

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WOODCOCK WASHBURN LLP  
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PHILADELPHIA, PA 19104-2891

EXAMINER
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KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,459

Applicant(s)

RANDAL ET AL.

Examiner

Alford W. Kindred

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/2/05 &amp; 1/11/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 04/3/06.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Cha et al., US# 20030061537.

As per claims 1 and 11, Cha et al. teaches “generating a list of pages to retrieve from a database backup; retrieving the pages in the list by reading the database backup” (see paragraph [0007] and [0036]) “creating a database view from the database backup; wherein the database view requires less memory space than the database contained in the database backup” (see paragraph [0037] and [0086]) “copying a transaction log and the retrieved pages into the database view; recovering the database view to a transaction consistent state; and performing a consistency check on the database backup by reading all database pages from one of the database backup . . .” (see paragraph [0109] and [0208]).

As per claims 2 and 5, Cha et al. teaches “generating a page list containing at least one of allocation and metadata pages . . . that contain uncommitted results as o f

the completion of the database backup and pages necessary to perform logical undo operations" (see paragraph [0092] and [0107]).

As per claim 3, Cha et al. teaches "using a key contained in a log record for an update to determine which interior node pages . . . to perform a logical undo operation for a particular log record" (see paragraph [0087]-[0088] and [0097]).

As per claim 4, Cha et al. teaches "scanning the transaction log in the database backup for pages changed during creation of the database backup" (see paragraph [0036], [0113], and [0142]).

As per claims 6 and 9, Cha et al. teaches "a database view reflecting the contents of a database backup at a specific point in time" (see paragraph [0043], [0131], and [0145]).

As per claim 7, Cha et al. teaches "copying a transaction log containing transactions that occurred while the database was being backed up" (see paragraph [0040], [0092], and [0109]).

As per claim 8, Cha et al. teaches "performing redo operations on pages that . . . that occurred during the database backup operation" (see paragraph [0043], and [0106]-[0107]).

As per claim 10, Cha et al. teaches "performing undo operations on pages based on the associated transaction log . . . the database view" (see paragraph [0092] and [0097]).

As per claims 12-13, Cha et al. teaches "delaying the consistency check until the database view has been made transactionally consistent" (see paragraph [0169] and [0171]).

As per claims 14-16, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected including the following:

-- Cha et al. Teaches "using a page from the database view in the consistency check if a corrected version of the page exists in the database view . . . are including in the consistency check" (see paragraph [0171]) ".

As per claims 17-27, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-14 and are similarly rejected.

As per claims 28-35, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-2, 6-12 and are similarly rejected.


**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US# 6959369.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100